



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**REGION 8**  
**999 18<sup>TH</sup> STREET - SUITE 300**  
**DENVER, CO 80202-2466**  
**Phone 800-227-8917**  
**<http://www.epa.gov/region08>**

**September 23, 2003**

Ref: 8ENF-W

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Water Unlimited, Inc.  
c/o Warren Voss, Registered Agent  
3 Seminoe Ave.  
Newcastle, WY 82701

Re: Administrative Order  
Docket No. **SDWA-08-2003-0059**  
PWS ID #WY5600132

Dear Mr. Voss:

Enclosed you will find an Administrative Order (Order), which the Environmental Protection Agency (EPA) has issued under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. Section 300f et seq., and its implementing regulations. Among other things, the Administrative Order finds that Water Unlimited, Inc. is a public water supplier as defined by the SDWA and that it has violated the National Primary Drinking Water Regulations (NPDWRs) at 40 C.F.R. §§ 141.86, 141.21, 141.201, 141.21(g)(2) and 141.31(b) for: failure to monitor for lead and copper; failure to monitor for total coliform bacteria; failure to provide public notice for the above violations; and failure to report violations to EPA.

If Water Unlimited, Inc. complies with the enclosed Order for a period of at least twelve months, EPA may choose to close the Order. Violating the enclosed Order may lead to (1) a penalty of up to \$27,500 per day of violation of the Order, (2) a separate such penalty for violating the regulations themselves, and/or (3) a court injunction ordering it to comply.

Among other things, the Order calls for Water Unlimited, Inc. to provide a public notification for certain monitoring requirements that were not met. For your convenience, we have enclosed some template forms to assist you in providing the required public notice. If you have any questions or comments concerning the form of the public notice, please do not hesitate



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to contact Eric Banghart of the EPA, whose telephone number is provided in the last paragraph of this letter.

Also enclosed is a Small Business Regulatory Enforcement and Fairness Act (SBREFA) Section 22 information sheet. The SBREFA sheet notifies small businesses of their right to comment on regulatory enforcement activities, and provides information on compliance assistance. Dissemination of this information sheet does not constitute an admission or determination by EPA that the business, organization or governmental jurisdiction is a small entity as defined by SBREFA.

Please note that the effective date of the enclosed Order is the date of issuance. Within the next 10 days, please provide EPA with any new information that you believe the Agency is not aware of relating to the alleged violations in the Order. The information may be sent to Eric Banghart at the address on the letterhead, include the mailcode 8ENF-W, or you may call Mr. Banghart at (800) 227-8917, extension 6971, or (303) 312-6971. If you wish to have an informal conference with EPA, you may also call or write Mr. Banghart. If you are represented by an attorney, please feel free to have your attorney call Peggy Livingston at the above 800 number, extension 6858, or at (303) 312-6858.

We urge your prompt attention to this matter.

Sincerely,

**SIGNED**

Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosures  
Order  
Public Notice template  
SBREFA

cc: Larry Robinson, WY DEQ  
Dr. Karl Musgrave, WDH  
Elizabeth Field



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**September 23, 2003**

Ref:8ENF-W

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Weston County Commissioners  
c/o Floyd Cool  
1 West Main  
Newcastle, Wyoming 82801

Re: Notice of Safe Drinking Water  
Act Enforcement Action against  
Water Unlimited, Inc.  
PWS #WY5600132

Dear County Commissioners:

Pursuant to Section 1414(a)(2)(B) of the 1996 amendments to the Safe Drinking Water Act (SDWA), the Environmental Protection Agency (EPA) is required to notify an appropriate locally elected official of any action taken in a State that does not have primary enforcement authority for public water systems. The State of Wyoming does not have primary enforcement authority for public water systems under the SDWA.

An Administrative Order is being issued under Section 1414 of the SDWA to Water Unlimited, Inc., Newcastle, Wyoming. This Order requires that the public water system take measures to return to compliance with the SDWA and the National Primary Drinking Water Regulations. Water Unlimited, Inc. is in violation of 40 C.F.R. §§ 141.86, 141.21, 141.201, 141.21(g)(2), and 141.31(b) for: failure to monitor for lead and copper; failure to monitor for total coliform bacteria; failure to provide public notice for the above violations; and failure to report violations to EPA.



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A copy of the Order is enclosed for your information. The Order does not require any response or action by the County Commission. If you have any questions regarding this Order, please contact Eric Banghart at (303) 312-6971.

Sincerely,

**SIGNED**

Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

IN THE MATTER OF	)	
	)	
Water Unlimited, Inc.	)	
Newcastle, Wyoming	)	
	)	
	)	
Respondent	)	
	)	ADMINISTRATIVE ORDER
Proceedings under Section 1414(g)	)	
of the Safe Drinking Water Act,	)	
42 U.S.C. § 300g-3(g)	)	Docket No. <b>SDWA-08-2003-0059</b>
	)	

The following Findings are made and Order issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by Section 1414(g) of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300g-3(g), and its implementing regulations, as properly delegated to the Supervisors of the Technical and Legal Enforcement Programs of the Office of Enforcement, Compliance and Environmental Justice, EPA Region 8.

FINDINGS

1. Water Unlimited, Inc. (Respondent) is a corporation under the laws of the state of Wyoming as of August, 1987 and therefore a "person" within the meaning of 40 C.F.R. § 141.2.
2. Respondent owns and operates a system, the Water Unlimited, Inc. Water System (System), located in Weston County, Wyoming for the provision to the public of piped water for human consumption.

3. The Water System has at least 15 service connections or regularly serves at least 25 year-round residents and is therefore a "public water system" within the meaning of Section 1401(4) of the Act, 42 U.S.C. § 300f(4), and a "community water system" within the meaning of 40 C.F.R. § 141.2.
4. Respondent owns and operates a public water system and is therefore a "supplier of water" within the meaning of Section 1401(5) of the Act, 42 U.S.C. § 300f(5) and 40 C.F.R. § 141.2. Respondent is therefore subject to the requirements of Part B of the Act, 42 U.S.C. § 300g et seq., and its implementing regulations, 40 C.F.R. part 141.
5. According to a January 2000 sanitary survey by an agent for EPA, Respondent operates a system that is supplied solely by a ground water source consisting of one well and serves approximately 170 persons through 11 service connections.

#### FINDINGS OF VIOLATION

##### I.

1. 40 C.F.R. § 141.86(d)(4) requires community water systems to monitor tap water once every three years for lead and copper after meeting the lead and copper action level for three consecutive years.

2. Respondent monitored for lead and copper in 1999 but failed to monitor in 2002, in violation of 40 C.F.R. § 141.86.

## II.

1. 40 C.F.R. § 141.21(a) requires public water systems to monitor their water at least once per month that they serve water to the public to determine compliance with the MCL for total coliform bacteria as stated in 40 C.F.R. § 141.63.
2. Respondent failed to monitor the System's water for contamination by total coliform bacteria during the month of June 2000, in violation of 40 C.F.R. § 141.21(a).

## III.

1. 40 C.F.R. § 141.201 requires owners and/or operators of public water systems to notify the public of any national primary drinking water regulation ("NPDWR") violations, including violations of the maximum contaminant level ("MCL"), maximum residual disinfection level ("MRDL"), treatment technique (TT), monitoring requirements, and testing procedures in 40 C.F.R. part 141.
2. Respondent has not provided public notice of the

noncompliance detailed in the preceding Sections I and II, in violation of 40 C.F.R. § 141.201.

IV.

1. 40 C.F.R. § 141.21(g) (2) requires public water systems that have failed to comply with a total coliform monitoring requirement under 40 C.F.R. § 141.21 to report the monitoring violation to EPA within 10 days after the system discovers the violation.
2. Respondent failed to report to EPA the noncompliance detailed in Section II, in violation of 40 C.F.R. § 141.21(g) (2).

V.

1. 40 C.F.R. § 141.31(b) requires public water systems to report any failure to comply with any National Primary Drinking Water Regulation (40 C.F.R. part 141) to EPA within 48 hours.
2. Respondent failed to report to EPA instances of noncompliance detailed in Sections I and III, in violation of 40 C.F.R. § 141.31(b).

ORDER

\_\_\_\_Based on the foregoing Findings, and pursuant to Section 1414(g) of the Act, IT IS ORDERED:

1. Upon the effective date of this order Respondent shall comply with triennial lead and copper monitoring as



required by 40 C.F.R. § 141.86. The next lead and copper monitoring will be due between June 1 and September 30, 2006. Respondent shall report results and other information to EPA within the first 10 days following the end of each applicable monitoring period, as required by 40 C.F.R. § 141.90(a).

2. Upon the effective date of this Order, Respondent shall comply with the requirement of 40 C.F.R. § 141.21 to perform monthly bacteriological monitoring. Respondent shall comply with the MCLs as stated in 40 C.F.R. § 141.63. Respondent shall report analytical results to EPA within the first 10 days of the end of the monitoring period, as required by 40 C.F.R. § 141.31(a).

3. No later than 30 days from the effective date of this Order, Respondent must provide public notice of the violations specified under the Findings of Violation in this Order to return to compliance with 40 C.F.R. §§ 141.201-.209. This notice shall be given by (1) mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the System; AND (2) any other method reasonably calculated to reach other persons served by the system, if they would not

normally be reached by the notice, such as publication in a local newspaper; delivery of multiple copies for distribution by customers that provide their drinking water to others; posting in public places or on the Internet; or delivery to community organizations. The System must repeat the notice annually for as long as the violation, variance, exemption, or other situation persists. If the public notice is posted, the notice must remain in place for as long as the violation, variance, exemption, or other situation persists, but in no case less than seven days. Respondent shall comply with the public notification requirements at 40 C.F.R. § 141.201 et seq. following any future NPDWR violation. Respondent shall submit a copy of the public notice to EPA within 10 days of completion of the public notice, as required by 40 C.F.R. § 141.31(d).

4. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.21(g)(2) by reporting any failure to comply with coliform monitoring requirements under 40 C.F.R. § 141.21 to EPA within ten days after the system discovers the violation.
5. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.31(b) by reporting any

failure to comply with any National Primary Drinking Water Regulation (40 C.F.R. part 141) to EPA within 48 hours.

6. Reporting requirements specified in this Order shall be provided by certified mail to:

Eric Banghart  
U. S. EPA Region 8 (8ENF-W)  
999 18th Street, Suite 300  
Denver, Colorado 80202-2466

GENERAL PROVISIONS

1. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. § 141.1 et seq., or the Safe Drinking Water Act, which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the Act.
2. Violation of any term of this Order may subject the Respondent to an administrative civil penalty of up to \$25,000 per day of violation under Section 1414(g)(3)(A) and (B) of the Act, 42 U.S.C. § 300g-3(g)(3)(B), or a civil penalty of not more than \$27,500 per day of violation assessed by an appropriate U.S. District Court under Section 1414(g)(3)(C) of the Act, 42 U.S.C. § 300g-3(g)(3)(C).
3. Violation of any requirement of the SDWA or its

implementing regulations may subject Respondent to a civil penalty of not more than \$27,500 per day of violation assessed by an appropriate U.S. District Court under Section 1414(b) of the Act, 42 U.S.C. § 300g-3(b).

4. The effective date of this Order shall be the date of issuance of this Order.

Issued this 23RD day of September, 2003.

**David J. Janik**

Michael T. Risner, Director  
David J. Janik, Supervisory Attorney  
Legal Enforcement Program  
Office of Enforcement , Compliance  
and Environmental Justice

**SIGNED**

Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement , Compliance  
and Environmental Justice

**IF YOU WOULD LIKE COPIES OF THE ATTACHMENTS, PLEASE CONTACT  
THE REGIONAL HEARING CLERK.**

**THIS DOCUMENT WAS FILED IN THE RHC'S OFFICE ON SEPTEMBER 23,  
2003**

Water Unlimited, Inc.  
Page 13 of 8.